



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,156	02/01/2002	Thomas E. Hamilton	09266.0004-00000	3572

22852 7590 04/17/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

Office Action Summary

Application No.

10/066,156

Applicant(s)

HAMILTON ET AL.

Examiner

Muthuswamy G. Manoharan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/1/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/18/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

Double Patenting

Claims 1, 15-26,27, and 31-36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,4,11-19 and 20 of copending Application No. 10/061526.

Also, Claims 1 and 15-26 are provisionally rejected again on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 10/061524.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention are broader in scope and thus encompass the subject matter being claimed in applications 10/061526 and 10/061524, wherein "provider" reads on "sponsor".

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4,11,16, 17,47-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Rissanen (US 2005/0177506).

Regarding **claim 1**, Rissanen teaches a method comprising: in a wireless network (Figure 1), receiving a user request for a packet switched data service (Figure 1; Paragraph [0012], line 1); determining a provider for the service according to stored policies (Figure 3; Paragraphs [0010-0011]); and determining a billing arrangement for the service according to the stored policies (Paragraphs [0017-0022]).

Regarding **claim 2**, Rissanen teaches the method of claim 1 in which the stored polices include how the user is to be billed and a basis for the billing (Paragraphs [0017-0022]).

Regarding **claim 4**, Rissanen teaches the method of claim 1 in which the stored polices include pre-arrangements between an operator of the network and the provider (Figure 3, Paragraphs [0010-0011]; Paragraphs [0017-0022]).

Regarding **claim 11**, Rissanen teaches the method of claim 1 further comprising: determining whether the user is authorized to use the service (Figure 3, items 62,64,68 and 74).

Regarding **claim 16**, Rissanen teaches the method of claim 1 in which the wireless network is a Global System for Mobile communication (GSM) network (Paragraph [0003], line 5).

Regarding **claim 17**, Rissanen teaches the method of claim 16 in which the GSM network is General Packet Radio System (GPRS) enabled (Paragraph [0003], line 6).

Regarding **claim 47**, Rissanen teaches a method of providing a sponsored packet switch data service comprising: in a GPRS enabled GSM network (Paragraph [0010]), receiving a request for a packet switched data service (Paragraph [0010]); selecting a service provider for the packet switched data service (Paragraph [0010-0011]); connecting a session to the selected service provider; metering the session; generating billing information from the metering (Figure 3; Paragraphs [0010-0011], [0017-0022]); and allocating the billing information to appropriate parties (Paragraph [0011]).

Regarding **claim 48**, Rissanen teaches the method of claim 47 in which the request is from a user (Paragraph [0011]).

Regarding **claims 49 and 51** Rissanen teaches the method of claim 48 in which selecting further comprises: authenticating access for the user to the service provider (steps 62,64,66 and 68 read on authenticating access; Also, the use of user ID and password for authentication is well known in the art).

Regarding **claim 50**, Rissanen teaches the method of claim 49 in which selecting further comprises: determining whether the request is for the selected service provider (Paragraph [0011], lines 6-7).

Regarding **claim 52**, Rissanen teaches the method of claim 48 metering comprises: monitoring the session between the user and the selected service provider (Paragraph [0012], lines 1-3).

Regarding **claim 53**, Rissanen teaches the method of claim 47 in which an appropriate party is a network provider (Paragraph [0011]).

Regarding **claim 54**, Rissanen teaches the method of claim 47 in which an appropriate party is the user (Paragraph [0016], lines 16-18).

Regarding **claim 55**, Rissanen teaches the method of claim 47 in which an appropriate party is the selected service provider (Paragraph [0010], line 14-15).

Regarding **claim 56**, Rissanen teaches the method of claim 47 in which the appropriate parties are the user, a network provider and the selected service provider (Paragraph [0012]).

Claims 41-44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by I'Anson (US 2003/0079013)

Regarding **claim 41**, I'Anson teaches a method comprising: in a General Packet Radio System (GPRS) enabled Global System for Mobile Communication (GSM) network (Figures 1-2; Paragraph [0026]), collecting call data records (CDRs) from a Serving GPRS support node in the network (Paragraph [0027]); sending the CDRs to a charging gateway in the network (Paragraphs [0016], [0027]); processing the CDRs for packet switched data into a single composite CDR stream in the charging gateway (Paragraph [0016]); and processing the single composite CDR stream in a billing system (item 38 in Figure 2).

Regarding **claim 42**, l'Anson teaches the method of claim 41 in which collecting further comprises: collecting CDRs from a GPRS support node (Figure 2, items 17 and 18; Paragraph [0027]).

Regarding **claim 43**, l'Anson teaches the method of claim 41 in which processing the CDRs further comprises: augmenting the CDRs for packet switched data in a billing mediation node (Paragraph [0016]).

Regarding **claim 44**, l'Anson teaches the method of claim 41 in which the single composite CDR stream represents a user session (Paragraphs [0019, 0027]).

Regarding **claim 45**, l'Anson teaches the method of claim 44 in which the user session includes a plurality of individual purchase sessions (Paragraph [0027]).

Claims 41-44 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Sjoblom (US 2002/0009053).

Regarding **claim 41**, Sjoblom teaches a method comprising: in a General Packet Radio System (GPRS) enabled Global System for Mobile Communication (GSM) network, collecting call data records (CDRs) from a Serving GPRS support node in the network (Paragraphs [0036-0052]); sending the CDRs to a charging gateway in the network (Paragraphs [0036]); processing the CDRs for packet switched data into a single composite CDR stream in the charging gateway (Paragraph [0051]; and processing the single composite CDR stream in a billing system (Paragraph [0036]).

Regarding **claim 42**, Sjoblom teaches the method of claim 41 in which collecting further comprises: collecting CDRs from a GPRS support node (Paragraph [0036]).

Regarding **claim 43**, Sjoblom teaches the method of claim 41 in which processing the CDRs further comprises: augmenting the CDRs for packet switched data in a billing mediation node (Paragraph [0036]).

Regarding **claim 44**, Sjoblom teaches the method of claim 41 in which the single composite CDR stream represents a user session (Paragraphs [0051]).

Regarding **claim 46**, Sjoblom teaches the method of claim 41 in which processing the single composite CDR stream comprises: checking for records duplication; correlating information; and validating (Paragraph [0035, 0059-0060]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Martin et al. (hereinafter Martin) (US 6795707).

Regarding **claims 5, and 6** Rissanen teaches all the particulars of the claim except in which the stored policies include matching a provider to a user's time of connection, user's location. However, Martin teaches in an analogous art in which the

stored policies include matching a provider to a user's time of connection, user's location (Col. 2, lines 18-26). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method in which the stored policies include matching a provider to a user's time of connection, user's location to make the billing process more efficient.

Regarding **claim 12**, Rissanen teaches all the particulars of the claim except the method of claim 11 in which determining comprises: checking a user account for payment history. However, Martin teaches in an analogous art in which determining comprises: checking a user account for payment history (Col. 2, lines 18-26). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method in which determining comprises: checking a user account for payment history to make the billing process more efficient.

It is to be noted that these aspects of the claims are well known in the art.

Claims 3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of McKinnon et al. (hereinafter McKinnon) (US 2002/0003806).

Regarding **claim 3**, Rissanen teaches all the particulars of the claim except the method in which the stored policies include policy decisions that are entrusted to the provider. However, McKinnon teaches in an analogous art, in which the stored policies include policy decisions that are entrusted to the provider (Abstract, lines 14-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention

to have method in which the stored policies include policy decisions that are entrusted to the provider to make the billing process more efficient.

Regarding **claims 7-10**, Rissane teaches all the particulars of the claim except in which the stored policies include matching a provider to a time of day or user class or service class or network conditions. However, McKinnon teaches in an analogous art, in which the stored policies include matching a provider to a time of day or user class or service class or network conditions (Paragraph [0025]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method in which the stored policies include matching a provider to a time of day or user class or service class or network conditions in order to make the billing process more efficient.

It is to be noted that these aspects of the claims are well known in the art.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Syrjala et al (hereinafter Syrjala) (US 2003/016522).

Regarding **claim 13**, Rissanen teaches all the particulars of the claim except billing the user upon completion of a user session; and reconciling billing between a network operator and the provider. However, Syrjala teaches in an analogous teaches in an analogous art, the method of billing the user upon completion of a user session; and reconciling billing between a network operator and the provider (Paragraph [0002], lines 18-29). Therefore, it would be obvious to one of ordinary skill in the art at the time

of invention to use the method of billing the user upon completion of a user session; and reconciling billing between a network operator and the provider. This modification enables a subscriber in a multi-provider environment to be billed using a single bill.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Syrjala et al (hereinafter Syrjala) (US 2003/016522) and further in view of DiAngelo et al. (US 6101482).

Regarding **claim 14**, Rissanen in view of Syrjala teaches all the particulars of the claim except the method of claim 13 in which the user session includes multiple transaction sessions. However, DiAngelo teaches in an analogous art, in which the user session includes multiple transaction sessions (Abstract). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method in which the user session includes multiple transaction sessions. This modification helps in the transaction sessions from heterogeneous web sites.

Claims 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Applicant admitted prior art (hereinafter PA).

Regarding **claims 15,18-26**, Rissanen teaches all the particulars of the claims 15,18-26 except in which the wireless network is a second generation wireless network or TDMA network or CDMA network or UMTS network or TETRA network or DECT network or AMPS network or WLAN or third generation wireless network. However, AP teaches in an analogous art, in which the wireless network is a second-generation

wireless network or TDMA network or CDMA network or UMTS network or TETRA network or DECT network or AMPS network or WLAN or third generation wireless network. Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to the wireless network in which the wireless network is a second-generation wireless network or TDMA network or CDMA network or UMTS network or TETRA network or DECT network or AMPS network or WLAN or third generation wireless network.

Regarding **claim 27**, Rissanen teaches a method of managing a General Packet Radio System (GPRS) (Figure 1) enabled Global System for Mobile communication (GSM) network (Paragraph [0003], line 5) comprising: receiving a user request for a packet switched data service (Figure 1); determining a provider for the service according to stored policies (Figure 3; Paragraph [0010-0011]; and determining a billing arrangement for the service according to the stored policies (Paragraph [0017-0022]).

Claims 28-40 are rejected for the same reasons as set forth in claims 2-14 respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER